

DRAFT Revision Criteria in Chapter 502

[Note: Section 3 of Chapter 502 provides the criteria used to generate lists waterbodies most at risk, and sensitive/threatened regions or watersheds. The specific lists of waterbodies are referenced in Section 4 of Chapter 502 (amendment not yet drafted), and appear in appendices.]

- 3. Criteria.** The criteria in this section are used to identify the direct watersheds of waterbodies most at risk from new development, and sensitive or threatened regions or watersheds.

The criteria apply for both projects requiring a stormwater permit and developments requiring a site location of development permit, unless otherwise specifically stated.

- A. Direct watershed of waterbodies most at risk from new development.** The following types of resources are considered most at risk from new development.

- (1) Lakes ... (no change)
- (2) Rivers, streams or brooks. ~~That portion of a river, stream or brook serving as a public water supply, that is located at or above a public water supply intake, if the municipality (a) has a filtration waiver, or (b) uses slow sand filtration.~~

That portion of a river, stream or brook that meets one or more of the following criteria.

- (a) It is at or above a public water supply intake and is used as a public water supply, if the municipality (i) has a filtration waiver, or (b) uses slow sand filtration.
- (b) Impaired rivers, streams and brooks if the project may cause or contribute to the impairment of water quality.
- (c) Rivers, streams and brooks with direct watersheds that are 7% or more impervious.

- (3) Coastal wetlands...(no change)

- B. Sensitive or threatened regions or watersheds .** The following types of resource areas are considered sensitive or threatened regions or watersheds. More types of resource areas are considered sensitive or threatened for purposes of a development requiring a site location of development permit, than for a project requiring only a stormwater permit, because a development requiring a site location of development permit may substantially affect the environment. See 38 M.R.S.A. § 482(2).

- (1) Lake watersheds...(no change)
- (2) River, stream or brook watersheds
 - (a) For purposes of a project requiring a stormwater permit, that portion of the watershed of a river, stream or brook (i) that is not within the watershed of a

river, stream or brook most at risk from new development, (ii) that drains to a public water supply, and (iii) that is at the public water supply intake or drains to the river, stream or brook within 2 miles upstream from the intake.

(b) For purposes of a project requiring a stormwater permit, the direct watersheds or portions of direct watersheds of rivers, streams, and brooks with high value or sensitive fisheries habitat as determined by the Department of Inland Fisheries and Wildlife or the Atlantic Salmon Commission. [Have requested comment on this language from IF&W and ASC]

(~~c~~b) For purposes of a development requiring a site location of development permit, the watershed of any river, stream or brook that is not a river, stream or brook most at risk from new development.

(3) Wetland watersheds... (no change)